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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

## भाग III—खण्ड 3 (PART III—SECTION 3)

### लघु प्रशासनों से सम्बन्धित अधिसूचनाएं (Notifications relating to Minor Administrations)

#### ADMINISTRATION OF DADRA AND NAGAR HAVELI ORDER

Silvassa, the 5th February 1976

Order No. Adm./Law/Misa/75.—In exercise of the powers conferred by clause (a) and (b) of section 5 of the Maintenance of Internal Security Act, 1971 (No. 26 of 1971), the Administrator of the Union Territory of Dadra and Nagar Haveli hereby makes the following order namely:

##### Preliminary

1. This order may be called the Dadra and Nagar Haveli Conditions of Detention Order, 1975.

2. It shall come into force at once.

3. (a) "Medical Officer" means a Government Health Officer of the area in which the security prisoner is detained.

(b) "Inspector General" means the Inspector General of Prisons, Dadra and Nagar Haveli.

(c) "Detaining Authority" means the Administrator of the Union Territory or any officer specified in sub-section (2) of section 3 of the Act.

(d) "District Magistrate" means the District Magistrate or the Additional District Magistrate of the District in which the security prisoner is detained.

(e) "Administrator" means the Administrator of the Dadra and Nagar Haveli.

(f) "Superintendent" means in the case of security prisoner detained in a jail or sub-jail, the person in charge of the jail or sub-jail in which the security prisoner is detained.

(g) "Superintendent of the Hospital" means the person in charge of the Government Hospital at Silvassa or Health Centre.

(h) "Security prisoner" means a person with respect to whom a detention order is made by the Administrator of Dadra and Nagar Haveli or an officer subordinate to him under the Act.

##### Place of Detention

4. A security prisoner shall be detained in a jail or a sub-jail.

5. (1) Any security prisoner may be removed from a jail, sub-jail, as the case may be;

(i) to any hospital or health centre for medical examination or treatment or as indoor patient if in the opinion of Superintendent or Inspector General it is necessary to do so for the reason of health of such prisoner;

(ii) to a Criminal Court in the Union Territory of Dadra and Nagar Haveli, if such court requires the attendance of such prisoner for answering a charge of a Criminal Offence in any proceeding against him; or

(iii) to any Civil or Criminal Court in the Union Territory of Dadra and Nagar Haveli for giving evidence in any case pending before it.

(2) No security prisoner shall be removed under item (iii) of sub-clause (1) unless previous permission of the Administrator has been obtained which shall be refused if the Administrator thinks it necessary to do so in the interest of public order.

##### Classification

6. (i) Security prisoners detained in a jail or a sub-jail shall be divided into three classes, namely Class I, Class II and Class III. Classes shall be given to a Security prisoner according to the state of his health, age, education and mode of living.

(ii) The classification of each security prisoner shall be made by the detaining authority in accordance with the principles specified in sub-clause (i).

##### Accommodation

7. Where a security prisoner is detained in a jail or a sub-jail, he shall be kept in a cell or association ward.

8. Security prisoners shall be allowed to communicate with each other provided that Superintendent or the Inspector General may, if he considers it desirable to do so on the ground of health of the prisoner or for any other reason, confine such security prisoners separately. Security prisoners shall, as far as possible be kept separate from other kinds of

prisoners. Security prisoners of the class shall as far as possible, be kept separate from those of the other class.

#### Clothing

9. Security prisoner may be allowed to use their own and bedding. Superintendent may, in his discretion, permit the supply of extra clothes and bedding to a security prisoner by his friends or relatives or at his own expenses. In case where security prisoners have no sufficient clothing of their own and have neither funds to buy it with, nor friends or relatives to supply it, they may be supplied with clothing at the cost of the Administration on the scale mentioned below. The pattern of this clothing shall be different from that for convict and cloth shall be without the Jail Regulation stripes :

#### Scale of clothing for male security prisoners

Sl. No.	Name of articles	No. of articles for Class I security prisoners.	No. of articles for Class II & Class III security prisoners.
(1)	(2)	(3)	
(1)	Bush coats . . . . .	2	2
(2)	Shirts . . . . .	2	2
(3)	Long pants . . . . .	2	—
(4)	Shorts . . . . .	2	2
(5)	Underwears (Vests) . . . . .	2	2
(6)	Chaddies in lieu of "Lungoties" . . . . .	2	2
(7)	Towels H.C. . . . .	2	2
(8)	C.W. Nehru Jackets . . . . .	2	2

Note:—(1) If long pants are given to Class II and Class III security prisoners shorts shall not be supplied.

Note :—(2) Jackots will be supplied for use only in cold weather.

#### Scale of clothing for Class I, Class II and Class III

##### Female Security Prisoners.

Sl. No.	Name of articles	No. of Articles
(1)	Sarees . . . . .	2
(2)	Blouses . . . . .	2
(3)	Bodies . . . . .	2
(4)	Chaddies . . . . .	2
(5)	Lungoties . . . . .	2
(6)	Towels H.C. . . . .	2
(7)	C.W. Nehru Jacket . . . . .	1
(8)	Pett-Coats . . . . .	2

Note :—(1) Chaddies and pett-coats will be supplied only to those female security prisoners of either class who use 6 yard sarees.

Note:—(2) Jackets will be supplied for use only in cold weather.

#### Diet

10. (i) All the classes of security prisoners shall be given diet on the same scales as are prescribed for convicts according to jail regulations.

They shall also get the following additional diet if required and found convenient.

#### Additional diet for Class I security prisoners.

(1)	(2)	(3)	(4)
(1)	Butter or ghee . . . . .	14 grams	
(2)	Milk . . . . .	113 grams )	Daily
(3)	Sugar or molas es . . . . .	14 grams )	
(4)	Potatoes . . . . .	170 grams )	
(5)	Fruits, worth 25 N.P. . . . .		Three times a week.

Note :— The Diet of potatoes in item (4) shall be supplied in substitution of, and not in addition to the diet of potatoes prescribed for convicts, namely 170 grams on three days in a week.

(ii) Security prisoner may also be allowed to supplement their diet at their own expense if found necessary by the detaining authority.

(iii) Special diet may be supplemented if recommended on medical grounds for security prisoner who is unable to do so at his own expenses by applying to the Superintendent of Police or the Jail as the case may be.

(iv) The diet or other eatables received from a friend or relative of a security prisoner is subject to search by such police or jail officer as may be authorised by Inspector General or Superintendent as the case may be.

(v) Each security prisoner shall be given 10 grams of tea daily.

(vi) Consumption of liquor will not be allowed even if supplemented at his own cost unless specially allowed by the detaining authority on medical grounds.

#### Supply of funds

11. (i) A security prisoner may, with previous sanction of detaining authority receive every month from any relative or friend an amount not exceeding Rs. 50/- and may be allowed to utilise the said amount for small amenities.

(ii) The funds so received shall be kept the Superintendent and spent by him for security prisoner concerned not exceeding the limit of Rs. 50/- per month.

#### ASKS

12. (i) Security prisoners may be assigned task by the Superintendent with due regard to their state of health, age physical and medical capacity, character, education and antecedents, and may receive remuneration for their work at such rates if allowed according to jail regulation.

#### Searches

13. Security prisoners and the rooms, wards or cells in which they are accommodated shall be searched not less than once a week, but may be searched oftener or at any time if the Inspector General or Superintendent considers it necessary. A security prisoner shall also be searched immediately after admission and thereafter before and after every interview with any person other than a police officer. Special precautions shall be taken to make the searches thorough and the fact that the search has been made shall be noted in the report book of the officer making search. The search shall be made by a Jailor, Jail Guard or such other officer as may be authorised in this behalf by the Inspector General of the Superintendent.

#### Interviews

14. (i) Except on the written order of the Inspector General or Superintendent no security prisoner shall be permitted to have an interview with any person other than a police officer.

(ii) The number of interviews shall not ordinarily exceed in case of, Class I security prisoner, one per fortnight and in case of Class II and Class III security prisoner one per month.

(iii) Not more than three visitors shall be allowed to remain present simultaneously at any one interview, except in case of near relatives it may be increased to five.

(iv) The application for interview from persons other than police officers shall be made to the Inspector General in Form "A" appended hereto.

(v) The time, place and duration of each interview shall be informed to the applicant and copy thereto sent to Superintendent.

(vi) If the interview is refused the fact shall be reported by the officer refusing the interview to the Administrator.

(vii) Every interview shall be in the presence of an officer attached to the place of detention who may terminate it at any time, if in his opinion the conversation is detrimental to the public interest or safety.

(viii) Future interview may be prohibited if interviews are published and warning to that effect shall be given at the close of the interview by the officer present at the time of interview.

(ix) Legal Adviser of the security prisoner may be granted interview in connection with a contemplated legal proceeding. The interview with legal Adviser shall not be heard by any officer. The interview also may be granted to Legal Adviser if the security prisoner wants to make representation under section 8 of the Act.

(x) The security prisoner may be allowed special interview for settlement of his business or professional affairs within a period of two months from the date of his detention.

(xi) A security prisoner may be permitted to have interview with his election agent, if he wishes to contest any election to Parliament or State Legislature, twice a week until the date of Election.

#### Police Interview, photograph and Finger Prints

15. (i) The detaining authority may be general or special order authorise Superintendent to have interviews with Security Prisoner.

(ii) The Superintendent or any police officer so authorised may take photograph and finger prints and take specimens of signature and hand writing of a security prisoner.

#### Books and News Papers

16. Security prisoner may be allowed to read book and periodicals if available to at the place of detention and may be allowed to read news papers at his cost by subscribing and receiving them by post.

#### Correspondence and Censorship

17. (i) Security prisoners shall ordinarily be permitted to write two letters and receive four letters per week. Out of the two letters allowed per week, one shall be at Administration cost. Extra letters and telegrams may be allowed when necessary by the Inspector General or Superintendent in his discretion at the cost of the security prisoner.

(ii) A security prisoner may allowed to correspond with another security prisoner in another place of detention on condition that such correspondences is limited to personal and private matters.

(iii) All letters to and from security prisoners shall be censored by the Inspector General or Superintendent, as the case may be. If in the opinion of the Inspector General or the Superintendent, the despatch or delivery of any letter is likely to be detrimental to the public interest or safety of the discipline of the place of detention, he shall either withhold such letter or despatch or deliver it after deleting any objectionable portion therefrom. In respect of the censoring of letters of security prisoners, the Inspector General or the Superintendent shall comply with any general or special instructions by the Administrator.

(iv) Every letter forwarded to or from any security prisoner shall be initiated and dated by the officer who handled the letter.

(v) The receipt and despatch of telegrams by security prisoners shall be subject to the same control as is hereinbefore provide for letters except that the number of telegrams which may be despatched by security prisoners shall be within the discretion of the Inspector General or the Superintendent.

(vi) In all cases in which a letter or a telegram is withheld, the security prisoner shall be informed of the fact of such withholding.

(vii) When the telegram is to or from the Administrator it shall be forwarded direct provided that if the telegram is to or from the Central Govt., it shall be sent through the Administrator of Dadra and Nagar Haveli.

(viii) Security prisoners shall attach to all their out going letters and telegrams a slip containing the full name and address and relationship of the addressee and of such person mentioned in the letter or telegram.

(ix) The Inspector General or the Superintendent as the case may be, shall have discretion to decide in the case of a petition submitted in telegraphic form whether it should be forwarded by telegraph or by post.

18. The security prisoner who is Member of Parliament or State Legislature shall be allowed direct correspondence with the Presiding Officer of the House without being censored.

Provided he is a sitting member having been administered an oath as required by the constitution.

19. Any petition made to the Court or representation which a security prisoner may submit shall expeditiously be forwarded to the addressee direct. If the petition is addressed to the Judicial commissioner it shall be sent to the Registrar, High Court of Bombay in sealed envelope. The copy of the petition shall be sent to the Administrator whenever the officer concerned considers it necessary to do so.

#### Discipline and punishment for breaches of discipline

20. Security prisoner shall for the purpose of discipline and punishment for breaches of discipline, be subject, as if they were convicted prisoners as per provisions of the Prisons Act, 1894 (Act IX of 1894) and the rules made thereunder.

#### Medical Attendance

21. The security prisoner shall be medically examined every week by a Medical Officer of the Jail and monthly report on his physical condition shall be submitted to the detaining authority and Inspector General.

#### Furniture and other articles

22. A class I security prisoner shall be supplied with (i) one bed (ii) one chair (iii) Table (iv) Mosquito net (v) one wate Jug and tumbler as the Superintendent deems it convenient.

#### Toilet

23. The security prisoner shall be supplied one cake of washing soap of 57 grams fortnightly and one toilet soap per month for bathing at Administration expenses.

24. (i) Unless prohibited on the ground of safety, the security prisoner may be allowed to have shaving equipment of his own.

(ii) If the security prisoner has no such equipment he may be allowed to have services of Jail Barber as per Jail regulations.

25. The female security prisoners shall be allowed to retain glass bangles and if married the Mangal Sutra (Black Neckless).

#### Smoking Tobacco

26. A security prisoner may be permitted to smoke or chew tobacco or to do both at his own expenses provided that either or both the privileges shall be liable to be withdrawn if abused.

**Games :**

27. Wherever accommodation permits, security prisoners may be permitted by Superintendent to play indoor games like cards at their own expenses and in-expensive games like ring, tennis, at Administration expense.

28. The security prisoners may be permitted to play chess, draughts and carrom at their own expense.

**Lights for reading**

29. Security prisoners shall be supplied with sufficient light for reading at night till 10.00 p.m. A separate light may not be provided for each prisoner in barracks.

**Washing arrangements**

30. Class I security prisoner may be permitted to have his clothes washed by a washerman at his own expense. The charge for ten clothes per month shall be borne by the Administration.

**Conveyance Arrangements**

31. (i) No special arrangement shall be made for security prisoner unless he takes previous sanction from the detaining authority and bears the cost of the travel.

(ii) Whenever a security prisoner is released he shall be paid the cost of journey to the place where he is arrested.

32. (1) A security prisoner shall be hand cuffed or bound while being escorted from one place to another if the Superintendent so directs in writing.

(2) Notwithstanding anything contained in clause (1) a security prisoner may be handcuffed or bound by the officer in-charge of the escort if he has reason to believe that security prisoner will use violence or attempts to escape or an attempt will be made to rescue him.

**Miscellaneous**

33. All particulars relating to security prisoners shall be entered in a separate register (with serial numbers) and returns of statistics relation to them shall be submitted as far as may be on the lines of Jail returns.

34. Notwithstanding anything contained in this order, a security prisoner who has been convicted of an offence under any law for the time being in force and sentenced to imprisonment shall be deemed to be a convicted criminal prisoner within the meaning of the Prisons Act, 1894 and shall be governed by the provisions of that Act, and rules made thereunder during the term of imprisonment.

Provided that no thing in this condition shall affect the powers of the Administrator to remove such convicted prisoner from one place of detention to another place of detention under clause (b) of Section 5 of the Act.

By order and in the name of the Administrator of Dadra and Nagar Haveli.

Sd/—

M. C. NAIK,

Secretary to the Administrator,  
Dadra and Nagar Haveli,  
Silvassa.